



Idaho Department of Environmental Quality **DRAFT §401 Water Quality Certification**

August 10, 2010

NPDES Permit Number: ID-G91-0007

Groundwater Remediation Discharge Facilities in Idaho
Kinross DeLamar Mining Company, DeLamar Mine

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC Section 1341 (a)(1), and Idaho Code §§ 39-101 et seq., and 39-3601 et seq., the Idaho Department of Environmental Quality (DEQ) has authority to review National Pollutant Discharge Elimination System (NDPES) permits and issue water quality certification decisions.

The General NPDES Permit for Groundwater Remediation Facilities in Idaho allows mixing zones if a facility includes in its Notice of Intent a request that DEQ consider a mixing zone and such a mixing zone is subsequently authorized by DEQ. Kinross DeLamar Mining Company (DeLamar) included a request for a mixing zone in its NOI. This certification is in response to the request for a mixing zone.

Based upon DEQ's review of the information contained in the NOI and the above-referenced permit, DEQ authorizes the mixing zones as set forth below and certifies that, if DeLamar complies with the terms and conditions imposed by the permit along with the conditions set forth below, then there is a reasonable assurance that the authorized mixing zones comply with the applicable requirements of the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) and other appropriate water quality requirements of State law.

MIXING ZONES

Pursuant to IDAPA 58.01.02.060, DEQ authorizes a mixing zone based upon a 5.1 dilution factor using 25% of the critical flow volumes of Louse Creek for the following constituents: cadmium, copper, lead, mercury, nickel, selenium, silver, and zinc. Based on the results of CORMIX modeling, the largest chronic mixing zone is expected to be less than 10 feet in length and occupy less than 15 percent of the stream width.

DeLamar must collect instream water samples from two locations in Louse Creek. One sample location must represent background conditions and must be located upstream of the discharge. The second sample location must represent fully mixed conditions of the receiving stream and the effluent. The surface water samples shall be collected quarterly during times that are safe for sampling and representative of critical stream flows during that quarter. The samples shall be analyzed for arsenic, cadmium, total chromium¹, copper, iron, lead, mercury, nickel, selenium, silver, and zinc.

¹ If the total chromium result is greater than the criterion for Chromium VI, then DeLamar shall monitor for Chromium III and Chromium VI.

DeLamar must also continue to monitor the daily flows in Louse Creek. This information, coupled with the effluent flow monitoring results must be used to ensure that a dilution factor of 5 (based upon 25% of Louse Creek flow) is achieved.

The in-stream water quality and flow monitoring must occur for the duration of the permit. Results shall be summarized in an annual monitoring report, which is to be submitted to the DEQ Boise Regional Office by January 31 of the following year.

RIGHT TO APPEAL FINAL CERTIFICATION

The final DEQ authorization of mixing zones for DeLamar may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5), and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, within 35 days of the date of the final certification.

Questions regarding the actions taken in this certification should be directed to Craig Shepard, DEQ at (208) 373-0550.

DRAFT

Pete Wagner
Administrator, DEQ Boise Regional Office